THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9717 OF 2006

07.07.2006

Between:

Mohd.Jehangir Hussain, S/o.Mohd. Ghulam Hussain Khan

… Petitioner

AND

The Mandal Revenue Officer, Rajendranagar Mandal
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9717 OF 2006

ORDER:

The petitioner purchased a house site plot admeasuring 250 Sq. yards under registered sale deed dated 17.9.2003. He alleges that he raised a small house bearing premises No.8-41/1, obtained electricity connection from Transmission Corporation of Andhra Pradesh and he is also paying tax to Kismatpur Gram Panchayat. It is his case that on 03.5.2006, the first respondent along with the staff came and asked the petitioner to remove the encroachment alleging that it is a Government land, and he was also threatened demolition of structures. Therefore, the present writ petition is filed seeking appropriate writ.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (General) brought to the notice of this Court that the petitioner encroached upon Government land in survey No.132/1 of Kismatpur village and when he was taking up construction illegally, the first respondent prevented him from doing so. This was seriously disputed by the learned Counsel for the petitioner. Therefore, the matter is adjourned from time to time to enable the learned Assistant Government Pleader to file counter affidavit.

Today, when the matter is called, learned Assistant Government Pleader submits that on 05.6.2006, the first respondent issued notice under Section 7 of A.P. Land Encroachment Act, 1905 (the Act, for brevity). Therefore, the petitioner may approach the first respondent and submit explanation with regard to the allegation made in the notice that he has encroached upon the Government land in survey No.132/1 admeasuring 60 Sq.yards. As and when such explanation is submitted, the Mandal Revenue Officer, Rajendranagar Mandala, shall consider the evidence that may be produced by the petitioner and pass appropriate orders under Section 6 of the Act. If the petitioner is aggrieved by any such order under Section 6 of the Act, he may approach the Revenue Divisional Officer, by way of appeal. As the notice under Section 7 of the Act is already issued, the writ petition is superfluous.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

July 07, 2006
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